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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON
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8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 GREGORIO GARCIA-BELTRAN,

12 Defendant.
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NO: CR-10-6081-RMP

ORDER MEMORIALIZING
COURT'S RULING RE
CONTINUANCE

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15 A pretrial hearing was held in this matter on March 30, 2011. The Defendant,
16 who is in custody, was present and represented by Assistant Federal Defender Kraig
17 Gardner and was assisted by Court-appointed interpreter Bea Rump. The
18 Government was represented by Assistant United States Attorney Alexander
19 Ekstrom standing in for AUSA Alison Gregoire.
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22 Before the Court is Defendant's Motion to Dismiss Case (Ct. Rec. 47) and
23 Defendant's oral Motion to Continue Trial. The parties agree that a superseding
24 indictment was filed on March 8, 2011, leaving the Defendant's Motion to Dismiss
25 moot. The Defendant moves for a continuance in order to allow additional time to
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ORDER MEMORIALIZING COURT'S RULING RE CONTINUANCE ~ 1

1 investigate this case. The Government does not object to a continuance in this
2 matter.

3 The Court finds that the ends of justice served by the granting of a
4 continuance of the trial in this matter outweigh the best interests of the public and
5 the Defendant in a speedy trial. A trial date of April 18, 2011, would deprive
6 defense counsel of adequate time to obtain and review discovery and provide
7 effective preparation, taking into account the exercise of due diligence. 18 U.S.C.
8 § 3161(h)(7).

9 The Court has reviewed the file and Motion and is fully informed. This
10 Order is entered to memorialize and supplement the oral rulings of the Court.
11 Accordingly,

12 **IT IS HEREBY ORDERED:**

- 13 1. Defendant's Motion to Dismiss (Ct. Rec. 47) is **DENIED AS MOOT**.
14 2. Defendant's oral Motion to Continue Trial is **GRANTED**.
15 2. The original trial date of April 18, 2011, is **STRICKEN and RESET to**
16 **June 6, 2011, at 1:00 p.m. in Richland, Washington**.
17 3. A pretrial conference is set for **May 13, 2011, at 2:00 p.m.** with a **final**
18 pretrial conference on **June 6, 2011, at 11:00 a.m.** All hearings will take place in
19 **Richland, Washington**.
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1 4. Discovery motions and Motions *in limine* shall be filed and served on or
2 before **April 22, 2011**.

3 5. Responses to motions shall be filed by **April 29, 2011**.

4 6. Replies shall be filed by **May 6, 2011**.

5 7. Trial briefs, requested voir dire, and a set of proposed **joint jury**
6 **instructions** shall be filed and served on or before **May 27, 2011**.

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8 Jury Instructions should address only issues that are unique to this case and
9 shall include instructions regarding the elements of each claim, any necessary
10 definitions, and a proposed verdict form.

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12 Parties shall supply the Court electronically with Joint Proposed Jury
13 Instructions in Word or WordPerfect format and shall include:

- 14 (a) The instructions on which the parties agree; and
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16 (b) Copies of instructions that are disputed (i.e., a copy of each party's
17 proposed version of an instruction upon which they do not agree).

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19 All jury instructions from the most current edition of the Ninth Circuit
20 Manual of Model Jury Instructions may be proposed by number. The submission
21 of the Joint Proposed Jury Instructions will satisfy the requirements of LR 51.1.(c).

22 Each party shall address any objections they have to instructions proposed
23 by any other party in a memorandum by **June 3, 2011**. The parties shall identify
24 the specific portion of any proposed instruction to which they object and shall

1 elaborate the basis for the objection. Objections asserting that an instruction sets
2 forth an incorrect statement of law shall describe the legal authority that supports
3 the objection. Failure to file an objection to any instruction may be construed as
4 consent to the adoption of an instruction proposed by another party.
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6 8. A Waiver of Speedy Trial Rights was signed by the Defendant. All time
7 from the trial date of **April 18, 2011**, to the new trial date of **June 6, 2011**, is
8 **EXCLUDED** for speedy trial calculations pursuant to 18 U.S.C. § 3161(h)(7).
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10 9. The parties are requested to submit courtesy copies of witness and exhibit
11 lists to the Court no later than **12:00 noon the Thursday before trial commences**.
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13 The District Court Executive is directed to file this Order and provide copies
14 to counsel.
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16 **DATED** this 1st day of April, 2011.
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18
19 s/ Rosanna Malouf Peterson
20 ROSANNA MALOUF PETERSON
21 Chief United States District Court Judge
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